

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GUANGYU WANG,

Plaintiff,

v.

UNIVERSITY OF NEVADA, RENO, et al.,

Defendants.

3:12-CV-0498-LRH-VPC

ORDER

Before the court is plaintiff Guangyu Wang's ("Wang") motion to re-open this closed action. Doc. #35.¹

On September 18, 2012, Wang filed a complaint against the University of Nevada, Reno ("UNR") for breach of employment contract. Doc. #1. In response, UNR filed a motion to dismiss for lack of subject matter jurisdiction (Doc. #9) which was granted by the court (Doc. #32). This action was subsequently closed. Thereafter, Wang filed the present motion to re-open. Doc. #35.

In his motion, Wang requests the court re-open this case because he has now filed a charge of discrimination with the Nevada Equal Rights Commission ("NERC"). *See* Doc. #35. However, Wang's motion is without merit. The simple act of filing of a charge of discrimination does not grant this court subject matter jurisdiction because Wang has not received a right to sue letter. Thus, the court still cannot exercise subject matter jurisdiction over this action. Therefore, the court

¹ Refers to the court's docket number.

1 shall deny Wang's motion to re-open this action.

2 Additionally, the court notes that if Wang receives a right to sue letter based on his new
3 charge of discrimination the proper course is to initiate a new action based on his charge of
4 discrimination rather than re-opening this closed action.

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6 IT IS THEREFORE ORDERED that plaintiff's motion to re-open (Doc. #35) is DENIED.

7 IT IS SO ORDERED.

8 DATED this 2nd day of April, 2013.



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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE